

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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LANCE REBERGER,

Plaintiff,

v.

JAMES G. COX, et al.,

Defendants.

Case No. 3:13-cv-00407-MMD-WGC


ORDER

This is a *pro se* prisoner civil action which was commenced by plaintiff filing an Application to Proceed in *Forma Pauperis* (dkt. no. 1) with a Motion for Emergency Preliminary Injunction [and] Temporary Restraining Order. The case was dismissed without prejudice because plaintiff had not submitted a proper initiating document; i.e. a civil complaint, and because plaintiff could not proceed on the allegations without prepaying the \$350 filing fee because he had had three previous actions dismissed under 28 U.S.C. § 1915(g). See Dkt. no. 3. The case was closed after entry of judgment.

The same day, plaintiff submitted an amended Motion for Emergency Preliminary Injunction [and] Temporary Restraining Order (dkt. no. 5), restating the same concerns, but identifying a correct Administrative Regulation with which plaintiff has taken issue. However, he did not accompany the motion with a complaint or the filing fee. Therefore, the circumstances have not changed and the Amended Motion will be denied on the same basis as the original motion and the action shall remain closed.

1           It is therefore ordered that the Amended Motion for Emergency Preliminary  
2 Injunction [and] Temporary Restraining Order (dkt. no. 5) is denied. Any appeal of this  
3 order would not be taken in good faith.

4           DATED THIS 17<sup>th</sup> day of October 2013.

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7 MIRANDA M. DU  
8 UNITED STATES DISTRICT JUDGE  
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